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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/608,467 | 06/25/2003 | Gary K. Burma | H0003936 US | 9362 |
| 128 | 7590 | 09/07/2006 | EXAMINER | |
| HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245 | | | FORTUNA, JOSE A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1731 | |

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,467

Applicant(s)

BURMA, GARY K.

Examiner

José A. Fortuna

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) 1-20 and 26-33 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/03;2/06.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of specie of claims 22-25 in the reply filed on June 15, 2005 is acknowledged. The traversal is on the ground(s) that the examiner has not pointed out how the claims are independent or distinct and there is no serious burden if all the species are searched together. This is not found persuasive because the distinctness has been clearly point out in the office action, where it was stated that "The species are independent or distinct because the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed can have a materially different design, mode of operation, function, or effect. As to the Burden of search, the MPEP 803 states:

"For purposes of the initial requirement, a serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That prima facie showing may be rebutted by appropriate showings or evidence by the applicant. Insofar as the criteria for restriction practice relating to Markush-type claims is concerned, the criteria is set forth in MPEP § 803.02. Insofar as the criteria for restriction or election practice relating to claims to genus-species, see MPEP §806.04(a) - §806.04(i) and § 808.01(a)."

Applicant's arguments do not point out the supposed errors in the restriction requirement, i.e., by showing s or evidences.

The requirement is still deemed proper and is therefore made FINAL.

Claims 26-32 should be marked as withdrawn in the next office action. Note also that claims 26-32 could be rejoined when the generic claim is in condition for allowance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1731

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lipponen et al., WO 02/42555 A1 or Deligt, US Patent No. 4,152,202.

Lipponen et al. teach a method of controlling the moisture or coating profile of a paper web in a papermaking machine that includes a plurality of actuators (10). The actuators are arranged in the cross-machine direction of the web and comprise nozzles (11), which are provided with control valves (17). Lipponen et al. teach that the nozzles (17) are movable in the cross-machine direction of the web and that a profiling medium, that could be, air, steam, heat radiation, liquid or gas are passed through the nozzles to the web, see page 5, lines 11-12. Lipponen et al. teach also that the moisture profile is measured using scanners, page 10, lines 22-30, and in order to minimize the variation of the measured profile from desired target the actuators are manipulated by controlling the flow through the valves and the cross-direction shape is changed by moving the nozzles within the zone covered by the actuators., see page 6, lines 18-22; page 9, lines 13-19 and page 10, lines 22-30. Therefore, Lipponen et al. teach all the elements of the claimed device, i.e., a plurality of actuators (11) in the cross-machine direction of the web; scanners, (figure 5, measurement (66)) distributed over the sheet including controllers (17) to control the magnitude and the shape of the profiled.

Deligt teaches a method and apparatus for leveling the cross-direction profile of stock slurry on a paper machine see abstract. Deligt discloses the use of actuators comprising nozzles distributed in the cross-machine direction of the web, stock, see abstract and he

Art Unit: 1731

teaches that the valves are controlled to control the flow rate and spray a pond of fluid along a common line, i.e., controlling the shape of actuator response as claimed. Figure 1 shows also the use of scanners (16) downstream of the actuators. Deligt teaches that the valves are controlled using three binary control to activate different capacity spray nozzles to achieve eight distinct flow rates over the full control range and each valve can be restricted to different flow rate, i.e., the magnitude and the shape of the actuator response, by controlling the amount of fluid through the selected valve, are controlled.

Conclusion

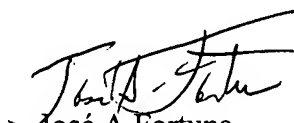
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure in the art of "System for Controlling the Properties of a Sheet Material."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José A. Fortuna whose telephone number is 571-272-1188. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


José A Fortuna
Primary Examiner
Art Unit 1731

JAF